



Patent
Attorney Docket No. 021565-119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VANDERKIMPEN et al.

Group Art Unit: 1634

Application No.: 10/623,500

Examiner:

Filing Date: July 22, 2003

Confirmation No.: 1677

Title: CORN ROOT PREFERENTIAL PROMOTERS AND USES THEREOF

**FIRST
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed is a **FIRST** Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of an IDS is required.
- The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- Charge _____ to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of _____ is enclosed for the fee due.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Alexandria, Virginia 22313-1404
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Date: Feb. 24, 2004

By
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

FEB 24 2004

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In re Patent Application of)
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Application No.: 10/623,500) Examiner:
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For: CORN ROOT PREFERENTIAL)
PROMOTERS AND USES THEREOF)

FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. Also enclosed is a copy of the International Search Report issued in the corresponding PCT application, with copies of the cited references.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents and U.S. patent application publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

FIRST Information Disclosure Statement

Application No. 10/623,500

Attorney's Docket No. 021565-119

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To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date February 24, 2004

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Substitute for forms 1449A/PTO & 1449B/PTO		ATTORNEY's DKT No. 021565-119	APPLICATION NO. 10/623,500
FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT VANDERKIMPEN	
		FILING DATE July 22, 2003	GROUP

FEB 24 2004

U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	5,561,236		Leemans et al.	10-01-1996
	5,633,363		Colbert et al.	05-27-1997
	5,641,664		D'Halluin et al.	06-24-1997
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	5,744,336		Hodges et al.	04-28-1998
	5,767,367		Dudits et al.	06-16-1998
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	6,140,553		D'Halluin	10-31-2000

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Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes No
	WO 00/15662		PCT	03-23-2000	
	WO 00/26378		PCT	5-11-2000	
	WO 00/32799		PCT	06-08-2000	
	WO 00/70066		PCT	11-23-2000	
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	WO 01/87931	A2	PCT	11-22-2001	
	WO 96/10083		PCT	04-04-1996	
	WO 97/40162		PCT	10-30-1997	
	WO 97/44448		PCT	11-27-1997	
	WO 99/53050		PCT	10-21-1999	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Clone MEST23-C07
	Clone MEST523-G12
	Clone hg88e04.b8
	Clone hg88e04.g8
	Marc De Block et al., "RNA-RNA <i>in Situ</i> Hybridization Using Digoxigenin-Labeled Probes: The Use of High-Molecular-Weight Polyvinyl Alcohol in the Alkaline Phosphatase Indoxyl-Nitroblue Tetrazolium Reaction" <i>Analytical Biochemistry</i> , Vol. 215, pp. 86-88 (1993), Academic Press, Inc., London, England
	Lining Guo et al., "Photorhabdus luminescens W-14 Insecticidal Activity Consists of at Least Two Similar but Distinct Proteins", <i>The Journal of Biological Chemistry</i> , Vol. 274, No. 14, pp. 9836-9842 (April 2, 1999) The American Society for Biochemistry and Molecular Biology, Inc., Baltimore, Maryland, USA

Substitute for forms 1449A/PTO & 1449B/PTO		ATTORNEY's DKT No. 021565-119	APPLICATION NO. 10/623,500
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	Kentaro Irie et al, "Transgenic Rice Established to Express Corn Cystatin Exhibits Strong Inhibitory Activity Against Insect Gut Proteinases", <i>Plant Molecular Biology</i> , Vol. 30, pp. 149-157 (1996), Kluwer Academic Publishers, Dordrecht, Holland		
	Yao-Guang Liu et al., "Efficient Isolation and Mapping of <i>Arabidopsis thaliana</i> T-DNA Insert Junctions by Thermal Asymmetric Interlaced PCR", <i>The Plant Journal</i> , Vol. 8, No. 3, pp. 457-463 (1995) Blackwell Sciences, Oxford, England		
	Yatindra Prashar et al., "READS: A Method for Display of 3'-End Fragments of Restriction Enzyme-Digested cDNAs for Analysis of Differential Gene Expression", <i>Methods in Enzymology</i> , Vol. 303, pp. 258-272 (1999), Academic Press, New York, New York USA		
	Yuan Zhao et al., "Two Wound-Inducible Soybean Cysteine Proteinase Inhibitors Have Greater Insect Digestive Proteinase Inhibitory Activities Than a Constitutive Homolog", <i>Plant Physiol.</i> , Vol. 111, pp. 1299-1306 (1996) American Society of Plant Physiologists, Lancaster, PA, USA		

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.